

To: Whitley, Christopher[Whitley.Christopher@epa.gov]; Carey, Curtis[Carey.Curtis@epa.gov]
Cc: Washburn, Ben[washburn.ben@epa.gov]
From: Peterson, Mary
Sent: Wed 4/16/2014 10:45:20 PM
Subject: RE: DRAFT Desk Statement -- West Lake AOC

One minor comment. I think we should refrain from using the phrase “proposed plans” since that term has a specific definition in the NCP and could be confusing to the public. See my suggested edit in green below.

Mary P. Peterson, Acting Deputy Director

Office of Public Affairs

EPA Region 7

11201 Renner Blvd.

Lenexa, KS 66219

913-551-7882 - desk

816-398-3945 - mobile

From: Whitley, Christopher
Sent: Wednesday, April 16, 2014 4:33 PM
To: Carey, Curtis
Cc: Washburn, Ben; Peterson, Mary
Subject: DRAFT Desk Statement -- West Lake AOC

For Mary’s benefit, here is the draft text:

DESK STATEMENT – West Lake Landfill Pre-Construction AOC – 4/16/14

EPA today is announcing a significant development related to the construction of an isolation barrier at the West Lake Landfill Superfund Site in Bridgeton, Mo.

The Agency has finalized an **Administrative Order on Consent (AOC)**—a negotiated legal agreement—with two of the site’s Potentially Responsible Parties – Bridgeton Landfill, Inc., and Rock Road Industries, Inc. – that outlines **pre-construction work** the parties must perform at the site.

This AOC requires the PRPs to perform a series of tasks to advance, support and prepare for the actual construction of the barrier. Those tasks include:

- 1.) **Identifying all potential areas on the site** proposed for use in the staging, management and relocation of excavated materials;

- 2.) **Clearing all obstructive vegetation and surface obstacles** in the way of the barrier construction and the storage and staging of the excavated materials;

- 3.) **Developing a bird hazard mitigation and monitoring plan** that meets the requirements of landfill regulations, as well as local covenants between the landfill operators and the City of St. Louis that are designed to protect the safety of aircraft that take off and land at nearby St. Louis Lambert International Airport;

- 4.) **Developing an air monitoring and sampling plan** to obtain background data and assess potential exposures, if they occur, in the surrounding community, and to demonstrate the effectiveness of control technologies; and

- 5.) **Installing a mesh barrier inside the fenced area of the site** along St. Charles Rock Road that will be designed to minimize and capture windblown solid wastes during excavation.

This AOC agreement requires the parties to submit to EPA within 30 days the following plans ~~a pair of proposed plans~~: 1.) A **draft Work Plan** describing in detail the pre-construction task work required by the order, as well as schedules for its completion; and 2.) A **draft Health and Safety Plan** that ensures the protection of the public's health and safety, and the health and safety of workers on the site, while the work is being performed.

Under the agreement, EPA must review these plans, and may approve, disapprove, require revisions to, or modify them, in whole or in part. EPA takes these reviews very seriously, and will not hesitate to direct changes, if necessary, so that the community remains safe.

All of the work required under the agreement must be paid for by the PRPs, not by the taxpayers. This is an important part of the federal Superfund law, and a guiding principle behind EPA's work: "The polluter pays."

In the case of West Lake Landfill, this ensures that as work begins to prepare for the barrier construction, the public will not be stuck with the bill.